IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

OP.No. 17605 of 1996(U)

PETITIONER:

C.V. GEORGE,
S/O.C.T. VARKEY,
CHETTUKUZHI KARINILAM,
MUNDAKKAYAM, KOTTAYAM.

BY ADV. SRI.M.J.THOMAS
SRI.T.I.ABDUL SALAM

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE ADDL.SECRETARY, GOVERNMENT OF KERALA, FOOD & CIVIL SUPPLIES (B) DEPARTMENT, THIRUVANANTHAPURAM.**

2. **COMMISSIONER OF CIVIL SUPPLIES, THIRUVANANTHAPURAM.**

3. **THE DISTRICT COLLECTOR, KOTTAYAM.**

4. **THE DISTRICT SUPPLY OFFICER, KOTTAYAM.**

5. **P.R.BALAJI, PARUTHIPARAMBIL, KUPPAKAYAM, MUNDAKKAYAM.**

BY GOVERNMENT PLEADER SMT. K.R. DEEPA for R1 to R4
BY ADV. SRI.JOBI JOSE KONDODY for R5

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.31605/1996 IN O.P.NO.17605/1996 U

DISMISSED

7/06/2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF ORDER NO.CS8-6327/93 DTD. 12/05/1994 OF DISTRICT SUPPLY OFFICER, KOTTAYAM ISSUED TO THE PETITIONER.**

EXT.P2: **COPY OF ORDER OF DISTRICT COLLECTOR, KOTTAYAM NO. CS8-2928/94/K.DIS./DATED 24/08/1994 ISSUED TO THE PETITIONER.**

EXT.P3: **COPY OF ORDER NO.CS A7.33561/94 DTD. 24/01/95 OF COMMISSINER OF CIVIL SUPPLIES TRIVANDRUM ISSUED TO THE PETITIONER.**

EXT.P4: **COPY OF ORDER G.O.(RT) 140/96/F&CSD DTD. 22/05/1996 ISSUED BY ADDL.SECRETARY, FOOD & CIVIL SUPPLIES DEPARTMENT, GOVT. OF KERALA.**

EXT..P5: **COPY OF CERTIFICATE ISSUD BY PANCHAYATH PRESIDENT DTD. 1/06/1994.**

EXT.P6: **COPY OF CERTIFICATE ISSUED BY MADHAVAN, MEMBER, WARD 3, KAPPAKKAYAM DTD. 1/06/1994.**

EXT.P7: **COPY OF CERTIFICATE ISSUED BY SECRETARY PERUVANTHANAM GRAMA PANCHAYATH DTD. 19/08/94.**

/TRUE COPY/

KSS

KURIAN JOSEPH J.

O.P. NO.17605 OF 1996

Dated 7th June, 2007.

J U D G M E N T

Challenge is on Ext.P4 order passed by the Government in the matter of allotment of ARD at Mundakkayam. According to the petitioner, in view of Exts.P2 and P3 orders, which are in favour of the petitioner, the Government should not have passed the order upsetting the findings of fact. But it is to be seen that the Government, on verification of the records found that the 5th respondent had produced sufficient records before the authorities to prove that he was the resident of the area where the depot was notified and hence, the decision of the District Supply Officer was just and proper. In view of the factual finding by the Government as above, and also taking note of the fact that since 1994, the 5th respondent has been conducting the shop, I do not find any merit in the writ petition. It is dismissed.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO.17605 OF 1996 (U)

J U D G M E N T

Dated 7th June, 2007.